

COASTAL CONSERVANCY

Staff Recommendation
October 27, 2005

MALIBU ACCESS IMPROVEMENTS PHASE 2

File No. 04-093
Project Manager: Joan Cardellino

RECOMMENDED ACTION: Authorization to disburse up to \$70,000 to Access For All for a variety of site design tasks necessary to develop public coastal accessways in Malibu.

LOCATION: City of Malibu, Los Angeles County

PROGRAM CATEGORY: Public Access

EXHIBITS

Exhibit 1: Malibu Shoreline Map

Exhibit 2: Project Locations

Exhibit 3: 26520-24 Pacific Coast Highway Latigo Shores

Exhibit 4: 22126-22132 Pacific Coast Highway, Carbon Beach

Exhibit 5: 22126-22132 Pacific Coast Highway, Carbon Beach

Exhibit 6: 19016 Pacific Coast Highway, Las Tunas Beach

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31000 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of up to seventy thousand dollars (\$70,000) to Access For All (AFA), for the purpose of undertaking a variety of site management and design tasks, and installation of accessory structures for coastal access ways in Malibu on easements held by AFA, subject to the condition that prior to the disbursement of any funds, AFA shall submit for the review and approval of the Executive Officer of the Conservancy a detailed work program, and the names and qualifications of any contractors to be employed on the project.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

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1. The proposed project is consistent with the purposes and criteria set forth in Public Resources Code Sections 31400-31409 regarding the establishing a system of public coastal access ways.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. Access For All is a nonprofit organization, existing under the provisions of Section 501(c)(3) of the Internal Revenue Code, whose purposes, which include the preservation and restoration of land for public access and recreation, are consistent with Division 21 of the California Public Resources Code.”

PROJECT SUMMARY:

Staff recommends a grant of \$70,000 to Access For All (AFA) for a variety of site management and improvement tasks, including installation of accessory structures such as gates, railings or small fences and signage for coastal accessways in Malibu. To date, AFA has accepted twenty Offers to Dedicate public access easements in the City of Malibu. Five of those easements are vertical easements running between Pacific Coast Highway and the beach, and the rest are beach lateral easements. AFA is seeking funding from the Conservancy to plan site improvements for the vertical easements.

AFA needs to develop informational signage for its accessways that is effective for the visitor, comprehensive, and recognizable. Additionally, many of the sites need gates so public access can be limited to daylight hours. Other small structures such as fences to demark property lines or improvements for public parking may in some cases be needed.

The specific site analysis and improvement tasks anticipated at the individual locations are as follows:

26520-24 Pacific Coast Highway (Latigo Shores). AFA holds a vertical easement that runs from Latigo Shore Road to the coast. The easement has been surveyed and now the site improvements need to be planned. This easement will provide important access for people trying to reach the upcoast end of LA County’s Dan Blocker Beach.

22466 Pacific Coast Highway (Carbon Beach). AFA holds a vertical easement across this residential property. The easement has been surveyed and AFA needs to prepare a site plan indicating the encroachments that need to be removed and the public access improvements to be made.

22126-22132 Pacific Coast Highway (Carbon Beach). AFA holds one vertical and 3 lateral easements on this property, owned by David Geffen. Funds could be used to plan and develop signage and other site improvements, and for beach management and monitoring activities.

19016 Pacific Coast Highway (Las Tunas Beach). The public access easement here is only three feet wide, but it abuts a three-foot-wide deed restriction on the neighboring property. The owner of the deed-restricted property has encroached into the restricted area, and the Coastal Commission has brought an enforcement action against the property owner. AFA will need to coordinate the design of the public accessway on its easement with the enforcement action of the

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Commission. A site survey has been done and now engineering and design of stairways on both ends of the easement, and other site improvements may be necessary for this site.

The items proposed for funding with this authorization are either necessary pre-construction or pre-installation activities, or installation of minor accessory structures. In order to develop these former OTDs into useable public accessways, AFA needs to prepare site designs that can then be implemented.

As the easement holder, it is AFA's responsibility to undertake site design and planning in order to open these accessways to the public. AFA has been a responsible manager of the easements it holds, to the extent that it can gain access to those easements. Over the past 4 years, AFA has accepted a total of 21 OTDs, 20 in Malibu and 1 in Del Mar. Sixteen of those OTDs are beach laterals, and AFA has been monitoring them according to the terms of the management plans prepared for each easement, pursuant to the requirements of the Conservancy and the Coastal Commission. The five verticals are the subject of this project.

Site Description: The four sites that are the subject of this grant are all located on Pacific Coast Highway. All easements are vertical and run between PCH and the beach.

26520-24 Pacific Coast Highway (Latigo Shores) is 10 feet wide and runs from PCH to the mean high tide line. (Exhibit 3.)

22466 Pacific Coast Highway (Carbon Beach) is 10 feet wide and extends along the eastern property line boundary. It is encroached upon by a fence that runs around the perimeter of the property and crosses the easement on both ends.

22126-22132 Pacific Coast Highway (Carbon Beach) is 9 feet wide and approximately 200 feet long. It runs along the western property line boundary. (See Exhibits 4 & 5.)

19016 Pacific Coast Highway (Las Tunas Beach). This easement is three feet wide and runs along an elevated deck immediately adjacent to a residence. A ladder currently provides access to the beach for the fee title property owner. (See Exhibit 6.)

Project History: The Conservancy has been working to open public coastal access in Malibu since the agency's inception. The Conservancy holds 14 public access easements in Malibu, some of which are open to the public, and others are currently in development. AFA has accepted twenty easements in Malibu, as described above. In the late 1990s, the Conservancy approached the Los Angeles County Department of Beaches and Harbors about accepting outstanding OTDs, and the County refused on the basis of insufficient funding for the staff costs associated with managing coastal accessways. On various occasions Conservancy staff have asked the department to reconsider, but without success.

In December 2004 the Conservancy authorized a grant of \$35,000 to AFA for a variety of similar site planning and management tasks. In spring 2005, David Geffen made a settlement offer to resolve the 3-year-old lawsuit against AFA, the Coastal Commission and the Conservancy, and dismissed the action. As a result, AFA was able to open the accessway on Mr. Geffen's property in May, but needed to staff the site with beach monitors for 10 to 12 hours each day. That unanticipated activity used up a significant portion of the budget. Additional funds are needed at this time to move forward with designing and installing various site improvements at the locations discussed above.

PROJECT FINANCING:

Coastal Conservancy	\$70,000
Other sources (in-kind contributions)	<u>3,000</u>
Total Project Cost	\$73,000

The anticipated source of Conservancy funding is the Coastal Access Account. These funds are derived from Coastal Commission permit fees and are appropriated to the Conservancy to help in the development and maintenance of coastal accessways.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

This project is consistent with Public Resources Code Section 31400.1, which allows the Conservancy to provide grants to nonprofit organizations to operate or manage lands for public access purposes. AFA will use this grant to survey public access easements that it holds and undertake site planning, analysis, and installation of accessory structures, all of which are basic property management tasks. This project is also consistent with Public Resources Code Section 31402.3 in that the Conservancy would be using Coastal Access Account funds to help AFA open these easements for public use (subsection (a)); and AFA has met all the requirements laid out in subsection (c) for acceptance of OTDs by nonprofit organizations.

The proposed project is consistent with the City of Malibu Local Coastal Program as described in the Consistency with Local Coastal Program Policies below.

**CONSISTENCY WITH CONSERVANCY'S
STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 2, Objective C**, this project is a necessary step toward opening to the public 5 access easements derived from OTDs.

**CONSISTENCY WITH CONSERVANCY'S
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

Required Criteria

4. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
5. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
6. **Support of the public:** Coastwalk, the Sierra Club Coastal Programs, Tuna United Neighborhood Association, in addition to many individuals, support this project.

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7. **Location:** The proposed project would be located within the coastal zone of the City of Malibu.
8. **Need:** Many of these easements were offered in dedication over 10 years ago. In order to open them for public use, AFA needs Conservancy funding and technical assistance.
9. **Greater-than-local interest:** Residents and visitors to the greater Los Angeles area would enjoy these Malibu shoreline easements, once they are opened for public use.

Additional Criteria

9. **Leverage:** See the “Project Financing” section above.
10. **Conflict resolution:** Opening up public accessways in Malibu has been tremendously controversial. Preparing site planning documents such as surveys, and obtaining engineering studies and other site analysis should help resolve conflicts about the use of these accessways and provide a way to address owners’ and neighbors’ concerns.
11. **Readiness:** AFA is ready to begin the site surveys and the gate and lock fabrication and testing this winter.
12. **Realization of prior Conservancy goals:** See “Project History” above.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

Shoreline Access Policy 2.70 of the City of Malibu LCP states that Offers to Dedicate public access shall be accepted with the express purpose of developing them and opening them to the public. This project is consistent with this policy, since AFA accepted the OTDs and is now preparing to develop the sites for public use.

COMPLIANCE WITH CEQA:

Providing funds for the purpose of obtaining property surveys, engineering feasibility analyses and initial site design concepts is statutorily exempt from the California Environmental Quality Act, pursuant to 14 Cal. Code of Regulations Section 15262, regarding planning or feasibility studies for possible future actions. Installation of accessory structures is statutorily exempt under Section 15311, Class 11. Upon approval, staff will file a Notice of Exemption.